

Chapter PSC 112

CONSTRUCTION BY ELECTRIC PUBLIC UTILITIES AND EXTENSIONS OF ELECTRIC SERVICE

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Note: Chapter PSC 112 as it existed on November 30, 1995 was repealed and a new chapter PSC 112 was created effective December 1, 1995.

PSC 112.01 Application of rules. (1) This chapter applies to proposed construction by any electric public utility, as defined in s. 196.01, Stats.

Note: Additional requirements relating to certificates for proposed large or bulk electric generating facilities of 12,000 kW or more nominal capacity, or a high-voltage transmission line with associated facilities exceeding one mile in length designed for operation at 100 kV or more, are included in ss. PSC 111.41 to 111.43.

(2) Section PSC 112.08 applies to electric public utilities as defined in s. 196.01 (5), Stats., and to electric cooperative associations.

History: Cr. Register, November, 1995, No. 479, eff. 12-1-95; correction in (2) made under s. 13.93 (2m) (b) 7., Stats., Register April 2007 No. 616.

PSC 112.02 Definitions. In this chapter:

(1) “Begin construction” means site clearing, excavation, placement of facilities, or any other substantial action adversely affecting the natural environment of the site or physical modification to equipment at the site which would not be required if the proposed project was not approved, but does not include borings necessary to determine foundation conditions or other preconstruction monitoring or surveying to establish background information related to site or environmental suitability.

(2) “Commission” means the public service commission.

(3) “Distribution system” means electric lines and associated facilities, designed and operated at less than 40 kV, that deliver power to customers.

(4) “Gross cost” means the total expenditures required to accomplish the purpose of the project. “Gross cost” does not include any credit for the value of salvaged facilities, but does include:

(a) The cost of any removals or demolition of existing structures which may be required.

(b) Peripheral construction such as relaying or switching facilities made necessary at other system substations or terminations remote from the project area itself.

(c) Related operating and maintenance charges for building remodeling projects and replacements and modifications at generating plants.

(5) “kV” means kilovolt, or 1,000 volts.

(6) “kW” means kilowatt, or 1,000 watts.

(7) “Municipality” means a town, village, city, or county.

(8) “Transmission line” means an electric line, designed and operated at 40 kV or higher voltage.

(9) “Transmission system” means electric lines and associated facilities, designed and operated at 40 kV or higher voltage, that transmit power from generating plants to and between distribution systems.

History: Cr. Register, November, 1995, No. 479, eff. 12-1-95; CR 07-044: am. (1) Register May 2008 No. 629, eff. 6-1-08.

PSC 112.03 New service in a municipality. No electric utility may begin construction, install or place in operation any

physical facilities for furnishing retail electric service in a municipality in which the utility has not rendered retail electric service, without the commission’s prior approval under s. PSC 112.07.

History: Cr. Register, November, 1995, No. 479, eff. 12-1-95.

PSC 112.04 Interconnection projects. No electric utility may begin construction, install or place in operation an initial interconnection with the transmission system of another electric utility, with which it has no existing transmission interconnections, without the commission’s prior approval under s. PSC 112.07. Any subsequent interconnection by mutual agreement with the same electric utility does not require commission approval except as provided in s. PSC 112.05. The electric utility shall, however, report each subsequent interconnection to the commission at least 90 days before it begins construction. The report shall include a description of the project, its location, the estimated gross cost, and a discussion of the need. Electric utilities may, without commission authorization, establish temporary or emergency interconnections between their systems by mutual agreement, but shall promptly report such interconnections to the commission within 10 days of the date established and the date discontinued.

History: Cr. Register, November, 1995, No. 479, eff. 12-1-95.

PSC 112.05 Construction of electric utility facilities.

(1) No electric utility may begin construction, install or place in operation any of the following facilities whose estimated gross cost exceeds the applicable amount specified in sub. (3), without prior commission approval under s. PSC 112.07:

(a) A generating plant or unit.

(b) A replacement, modification or addition at a generating plant. This paragraph applies to projects or combinations of projects where the same replacement, modification or addition is known to be required at more than one unit at the same plant over a reasonably short period of time and the total cost of the combined work exceeds the applicable amount specified in sub. (3). This paragraph also applies to the initial construction of major new waste disposal facilities for the plant, even if not located at or adjacent to the existing plant site. This paragraph does not apply to replacements, modifications or repairs to a hydroelectric dam or related civil works to comply with dam safety or similar regulatory requirements, if the capacity or operation of the generating facilities is not significantly changed.

(c) A project for constructing or rebuilding a transmission line, including necessary terminations and related new substation or substation additions. This paragraph does not apply to the relocation or modification of a segment of an existing transmission line, if the utility is ordered to relocate or modify the line to accommodate highway or airport construction, nor to the reconstruction or restoration of a segment of an existing transmission line made necessary by storm damage.

(d) A new substation or switching station.

(e) An addition to or replacement at an existing substation or switching station.

(f) A distribution system extension, conversion to a higher voltage or conversion from overhead to underground construction.

(g) A new building or any addition to or remodeling of an existing building. This paragraph applies to the purchase of an existing building by a utility for conversion to utility use.

(1m) (a) No public utility may begin a project to construct or rebuild a transmission line whose length exceeds 10 miles and whose cost is less than the applicable amount specified in sub. (3) without first filing a report under par. (b) and securing commission approval under par. (c). The report and commission approval are not required for projects entirely within existing electric utility transmission line right of way.

(b) The utility shall file the report required under this subsection at least 90 days before it intends to begin construction or rebuilding. The report shall include a description of the project, its location and proposed route or routes, the estimated cost and a discussion of the need for the project.

(c) After reviewing the report, the commission may do any of the following:

1. Approve the project by acknowledging, in writing, receipt of the report and accepting it for filing.
2. Direct, in writing, that the project shall not proceed until specific approval is granted under s. 196.49, Stats.
3. Approve the project by taking no action within 90 days of receiving the utility's written report.

(d) This subsection does not apply to a project that requires a certificate of public convenience and necessity under s. 196.491 (3), Stats.

(2) A Wisconsin electric utility proposing to construct, install or place in operation any of the utility facilities listed in sub. (1) in another state in which it serves shall notify the commission at least 60 days before beginning construction. The notification shall include a description of the project, its location, the estimated cost, a discussion of need, permits or approvals required by the other state or local governments, and the approximate jurisdictional allocation of the cost between Wisconsin and the other state. Notwithstanding sub. (3), if a significant portion of the cost of the project will be allocated to Wisconsin for ratemaking purposes, the commission may require that the utility submit an application under s. PSC 112.06, for commission authorization prior to construction, installation or operation.

(3) (a) Cost thresholds for projects requiring commission review and approval under this section are as follows:

1. If the applicant electric utility's prior year electric operating revenues are less than \$5,000,000, any project whose estimated gross cost exceeds \$100,000.
2. If the applicant electric utility's prior year electric operating revenues are between \$5,000,000 and \$250,000,000, any project whose estimated gross cost exceeds 2 percent of these revenues.
3. If the applicant electric utility's prior year electric operating revenues are more than \$250,000,000, any project whose estimated gross cost exceeds \$5,000,000.

(b) Beginning in calendar year 2000, and on May 1 of each successive even-numbered year thereafter, the commission shall adjust the estimated gross cost thresholds in par. (a) to account for inflation in the cost of electric utility construction. The adjustment shall be based on cost index numbers published in the "Handy-Whitman Index of Public Utility Construction Costs, Cost Trends of Electric Utility Construction - North Central Region for Total Transmission Plant" (Handy-Whitman Index). The commission shall make the adjustment calculation by multiplying each gross cost threshold in par. (a) by the ratio of the Handy Whitman Index number on January 1 of the most recent even-numbered year (numerator) to the Handy Whitman Index number on January 1, 1998 (denominator). The commission shall

notify all electric utilities of the resulting adjusted cost limits by May 15 of each even-numbered year. If the referenced Handy-Whitman Index is no longer available, an equivalent successor index may be used which is generally recognized by the electric industry and acceptable to the commission.

Note: The commission maintains or has access to the Handy-Whitman Index of Public Utility Construction Costs and this reference or a copy may be reviewed by contacting the commission's offices.

History: Cr. Register, November, 1995, No. 479, eff. 12-1-95; am. (1m) (a), (2) and (3), Register, October, 1998, No. 514, eff. 11-1-98.

PSC 112.06 Applications for commission authorization. **(1)** PRIOR TO FILING AN APPLICATION. Before filing an application for commission authorization under s. 196.49, Stats., the applicant shall do all of the following:

(a) Notify the department and the commission of its intent to seek commission authorization.

(b) Consult with commission staff, in cooperation with staff from the department, on the scope of the proposed project, the alternatives that must be considered in the application, and additional information that the commission will require as part of the commission authorization application.

(1m) An electric utility seeking authorization from the commission for a project under s. PSC 112.03, 112.04 or 112.05 shall submit an application to the commission including all of the following, where applicable:

Note: Section PSC 111.53 prescribes the contents of an application for commission approval to construct, install or place in operation a bulk or large electric generating facility and s. PSC 111.55 prescribes the contents of an application for commission approval to construct, install or place in operation a high-voltage transmission line, including related substation construction.

(a) A description of the project, including:

1. Facility design, size, capacity and voltage.
2. Line design, size and material.
3. Line length and right-of-way width required.
4. The size of the plant's or site's developed area.
5. The approximate construction schedule.

(b) The gross cost and proposed method of financing the project.

(c) The purpose and necessity of the project with supporting data.

(d) The effect of the project on cost of operation and on the quality and reliability of service.

(e) A description of and the cost of any property being replaced.

(f) A description of and the gross cost of alternative methods, locations or routes which the electric utility considered for accomplishing the purpose of the project with a statement of the reasons for rejecting these alternatives.

(g) Environmental information including, where applicable:

1. A map or drawing of the affected part of the existing electric system clearly showing the location of the proposed sites or routes of the proposed facilities and any alternate sites or routes considered.

2. The proximity to designated flood plains or flood prone areas.

3. For facilities that produce magnetic fields, including lines and substations, estimates of magnetic field strengths near the facility and the proximity of the site or route to nearby residences, work places, hospitals, nursing homes, schools, day care centers, parks and playgrounds.

4. Information concerning applicable environmental factors for affected lands, such as land use or zoning, forest lands, rivers, streams, wetlands, endangered or threatened species and historical or archaeological resources.

5. A listing of permits or approvals required by other units of government.

6. Any other environmental screening information that the commission staff requests.

(h) For building projects, information on energy efficiency or conservation features, including:

1. The whole building heat loss in Btu/square foot of the building envelope.

2. The type and R-value of insulating material used for walls, ceilings, roofs, doors and windows.

3. The type of heating and cooling system selected and the annual end-use energy estimate in Btu/square foot/year for space heating, space cooling, and any process use.

4. The type and source of fuel or fuels selected.

5. The type of lighting system selected and the annual end-use energy estimate for lighting.

(i) A designation of public utilities, municipalities, cooperative associations and others principally affected by the project and a statement as to which, if any, the applicant has notified.

(j) Any other information necessary to understand the project or information requested by the commission staff.

(2) The applicant shall file an original and 2 copies of each application. If the commission notifies the applicant that additional copies are required, the applicant shall promptly furnish them. If the original filing contains special material, such as commercial maps and aerial photographs, any required additional copies of the application may contain photocopies or other reproductions of these special materials.

History: Cr. Register, November, 1995, No. 479, eff. 12-1-95; CR 07-044: renun. (1) to be (1m), cr. (1) Register May 2008 No. 629, eff. 6-1-08.

PSC 112.07 Processing of applications by the commission. **(1)** If upon consideration of the application, together with any supplemental information and objections, the commission finds that the public convenience and necessity require the project as proposed and the project complies with s. 196.49 (3) (b), Stats., the commission may authorize the project without public hearing but with modifications and conditions it considers necessary.

(2) Except as provided in sub. (1), the commission shall hold a public hearing on the application and grant or deny the application, in whole or in part, subject to any conditions the commission

finds are necessary to protect the public interest or promote the public convenience and necessity.

History: Cr. Register, November, 1995, No. 479, eff. 12-1-95.

PSC 112.073 Notification of additional work areas.

After the commission has issued an authorization under s. 196.49, Stats., the applicant shall, before establishing any lay down area, staging area or access route that was not identified and described in the project application, notify the commission of the location of the lay down area, staging area or access route, and demonstrate that the use of the lay down area, staging area or access route will not affect any threatened or endangered species, historic resources, wetlands, waterways or other sensitive resources.

History: CR 07-044: cr. Register May 2008 No. 629, eff. 6-1-08.

PSC 112.075 Emergency work. In case of emergency, an electric utility may begin necessary work without complying with ss. PSC 112.06 and 112.07. The utility shall do all of the following:

(1) Notify the commission of its actions within 48 hours of commencement of the work.

(2) Furnish the commission the information required under s. PSC 112.06 within 30 days of commencement of the work.

History: CR 07-044: cr. Register May 2008 No. 629, eff. 6-1-08.

PSC 112.08 Extensions of electric service under s. 196.495, Stats. **(1)** In addition to any other conditions established by law or commission order, the measurement of an extension's length under s. 196.495 (1) (b), Stats., shall be from an existing local service distribution line that is, or has been, actually used in rendering local service to a customer. A street light or security light is not a principal building or facility under s. 196.495 (1) (b), Stats.

(2) The commission shall enforce any written territorial agreement filed by 2 utilities, a utility and a cooperative association, or 2 cooperative associations to avoid duplication of facilities, if:

(a) The agreement governs the extension of electric distribution lines and the right to serve customers; and

(b) The commission has approved the agreement as being in the public interest.

History: Cr. Register, November, 1995, No. 479, eff. 12-1-95.